

REMARKS

This responds to the Final Office Action dated March 23, 2009 (hereinafter “the Office Action”). Claims 16, 31, and 38 are amended. No further claims are canceled or added by this Response. Claims 16-38 are pending in this application.

§ 103 Rejection of the Claims

1. Claims 16, 20-21, 23-25, and 31-35 were rejected under 35 U.S.C. § 103(a) as being obvious over Cseri et al. (U.S. Publication No. 2003/0046317; hereinafter “Cseri”) in view of Petersen et al. (U.S. Publication No. 2005/0144556; hereinafter “Petersen”). Claims 16, 31, and 38 were amended to clarify the present subject matter. An example of support for the amendments is found in paragraphs 0017 through 0021 and in Figures 7 and 8.

Applicant respectfully traverses the rejection and submits that the Office Action has not established a proper *prima facie* case of obviousness. The cited portions of Cseri and Petersen, together with the reasoning provided by the Office, do not disclose, teach, or suggest each and every element recited in or incorporated into these claims.

Cseri relates to a technique for incorporating binary formatting using tokenization into a tag-based description language.¹ Petersen relates to a method for markup language document compression by defining a schema where a token in the schema represents each element name and each attribute name in the document.²

Applicant cannot find in Cseri, Petersen, and/or the reasoning of the Office Action, any teaching or suggestion of, among other things,

a compression module configured to compress an XML document into a compressed binary stream, to convert the compressed binary stream into compressed text encoded from the compressed binary stream, and to format the compressed text so as to form a compressed valid XML document, wherein compressing an XML document into a binary stream includes compressing redundant text streams in the XML document,

as recited in claim 1 and similarly recited in claim 31.

¹ Cseri, Abstract.

² Petersen, Abstract.

In Cseri, an XML document is converted to a binary format, and an XML parser is used to convert the binary formatted XML document back into text at the receiving device.³ Thus, the compressed text encoded from the compressed binary stream does not exist in Cseri. In Petersen, a tokenizer parses a traditional XML document into the elements and attributes specified in the XML mark up,⁴ instead of converting a compressed binary stream into compressed text encoded from the binary stream. Therefore, the compressed text encoded from the compressed binary stream is not taught or suggested by either Petersen, Cseri, or by their proposed combination.

Neither can Applicant find a compression module ... to format the compressed text so as to form a compressed valid XML document. The Office Action concedes this is not found in Cseri, but asserts that this is found in Petersen.⁵ However, Petersen uses a traditional XML document to make a tokenized XML document.⁶ Thus, Petersen with Cseri does not teach or suggest “a compression module ... to format the compressed text [encoded from the compressed binary stream] so as to form a compressed valid XML document.”

Further, Applicant cannot find, “a compression module configured to compress an XML document into a compressed binary stream by compressing redundant text streams in the XML document,” as presently similarly recited in claims 1 and 31. The Office Action reads the tokenizing of an XML document into binary format of Cseri onto the compressed binary stream of the claim. However, Cseri refers to tokenizing XML tag names and attribute names,⁷ and to ignoring white space.⁸ Therefore, the tokenizing of names in Cseri and Petersen is different from compressing redundant text streams in the XML document.

In sum, a proper *prima facie* case of obviousness has not been shown at least because the cited portions of Cseri and Petersen, together with the reasoning provided by the Office, do not disclose, teach, or suggest each and every element recited in or incorporated into these claims.

In the interest of clarity and brevity, Applicant has not equally addressed the rejections to dependent claims 20-21, 23-25, and 32-35 made in the Office Action. However, this should not

³ Cseri, ¶0063.

⁴ Petersen, ¶0083.

⁵ Office Action, pg. 3.

⁶ Petersen, ¶0083.

⁷ Cseri, ¶0063.

⁸ Cseri, ¶0092.

be interpreted as any admission or acquiescence, and Applicant reserves the right to provide further support for these claims which Applicant believes are separately patentable. Withdrawal of the rejection and allowance of claims 16, 20-21, 23-25, and 31-35 is respectfully requested.

2. Claim 17 was rejected under 35 U.S.C. § 103(a) as being obvious over Cseri and Petersen as applied to claim 16 above, and further in view of Girardot et al. (U.S. Publication No. 2003/0023628; hereinafter “Girardot”). Applicant respectfully traverses.

Claim 17 depends on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Girardot fails to provide the missing elements.

Additionally, one of ordinary skill in the art would not reasonably be led to modify the tokenizing system of Cseri with the compression of Girardot. Cseri refers to tokenizing an XML document 240 producing an XML binary formatted document,⁹ and that this minimizes overhead in connection with XML documents.¹⁰ The Office Action apparently merely uses Girardot for its reference to a deflate algorithm in ¶0009. Girardot states that a disadvantage of these algorithms is that they are unable to retain the structure of an XML document. Therefore, one of ordinary skill in the art would not reasonably be led to add the deflate algorithm of Girardot to the tokenizing system of Cseri, because the result would no longer be an XML binary formatted document.

Accordingly, Applicant respectfully requests reconsideration and allowance of claim 17.

3. Claims 18-19 were rejected under 35 U.S.C. § 103(a) as being obvious over Cseri, Petersen, and Girardot as applied to claim 17 above, and further in view of Tycksen, Jr. et al. (U.S. Patent No. 6,189,097; hereinafter “Tycksen”). Applicant respectfully traverses.

Claims 18 and 19 ultimately depend on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Neither Girardot nor Tycksen, whether viewed separately or in combination with the other references, teach or suggest the missing elements. Applicant respectfully requests reconsideration and allowance of claims 18 and 19.

⁹ Cseri, ¶0066.

¹⁰ Cseri, ¶0063.

4. Claims 22 and 34 were rejected under 35 U.S.C. § 103(a) as being obvious over Cseri and Petersen as applied to claim 16 above, and further in view of Ma et al. (U.S. Publication No. 2005/0063575; hereinafter “Ma”). Applicant respectfully traverses.

Claim 22 depends on base claim 16 and claim 34 depends on base claim 31. As set forth above, Applicant believes base claims 16 and 31 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Ma fails to teach or suggest the missing elements. Additionally, Applicant does not admit that Ma is prior art and reserves the right to swear behind the reference at a later date.

Applicant respectfully requests reconsideration and allowance of claims 22 and 34.

5. Claim 26 was rejected under 35 U.S.C. § 103(a) as being obvious over Cseri and Petersen as applied to claim 16 above, and further in view of Hsu (U.S. Publication No. 2004/0205158). Applicant respectfully traverses.

Claim 26 ultimately depends on base claim 16. As set forth above, Applicant believes base claim 16 to be allowable at least for the reason that Cseri with Petersen fails to provide some of the elements of the base claim. Hsu fails to teach or suggest the missing elements.

Applicant respectfully requests reconsideration and allowance of claim 26.

Claims 36-38

Claims 36-38 were indicated to be rejected in the Office Action summary, but the rejections were not addressed in detail in the body of the Office Action. Claim 36 depends on base claim 16 and claims 37 and 38 ultimately depend on base claim 31. Applicant believes the dependent claims to be allowable at least because, as set forth above, the cited references fail to teach or suggest all of the elements incorporated into these claims from the their respective base claims.

Withdrawal of the rejection and allowance of claims 36-38 is respectfully requested.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 371-2172 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 23rd day of June, 2009.

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Signature